

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NICHOLAS JAMES SPENCER #529310,

Plaintiff,

Case No. 1:24-cv-451

v.

HONORABLE PAUL L. MALONEY

MATTHEW ENSING, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. MDOC Defendants Burgess, Clouse, Erway, Ensign, Greiner, and Majerczyk filed a motion to dismiss that also included a motion for summary judgment on the basis of exhaustion by Defendants Ensing and Greiner. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on October 18, 2024, recommending that this Court deny the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 22) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Defendants' motion (ECF No. 17) is DENIED.

Dated: November 15, 2024

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge